INDIAN REGISTRATION (MYSORE AMENDMENT) BILL, 1966.

Introduction.

Sri G. B. SHANKAR RAO (Parliamentary Secretary to the Minister forPublic Works).—On behalf of the Revenue Minister, I beg to introduce;

"the Indian Registration (Mysore Amendment) Bill, 1966."

Mr. SPEAKER.—The Indian Registration (Mysore Amendment) Bill, 1966, introduced.

MYSORE PREVENTION OF COW SLAUGHTER AND CATTLE PRESERVATION (AMENDMENT) BILL, 1966.

Introduction.

Sri R. M. PATIL.—I beg to introduce :

"The Mysore Prevention of Cow Slaughter and Cattle Preservation (Amendment) Bill, 1966."

Mr. SPEAKER.—The Mysore Prevention of Cow Slaughter and Cattle Preservation (Amendment) Bill, 1966, is introduced.

MYSORE AGRICULTURAL PESTS AND DISEASES BILL, 1966

Introduction.

†Sri G. NARAYANA GOWDA (Minister for Agriculture).—I beg to introduce :

"The Mysore Agricultural Pests and Diseases Bill, 1966."

Mr. SPEAKER.—The Mysore Agricultural Pests and Diseases Bill, 1966 is introduced.

SPEAKER'S RULING

Re : **Adjournment motion on matters that are sub-judice**

Mr. SPEAKER.—Yesterday I said that I will give a ruling on the points raised on the resolution. I can do it to-day. I make this observation particularly because this motion and the other one before the House are connected with each other. It may have some effect upon that. If necessary I will give a ruling now.

Sri S. SIVAPPA.—To-day this motion is there. You can take your own time.

Sri S. M. KRISHNA.—The adjournment motion has drawn the attention of the House to a very grave issue. It is not the question of accommodation or conveniences. If the Hon'ble Speaker has applied his mind regarding this, I would rather suggest the ruling may be given.

Mr. SPEAKER.—Yesterday when reference was made to two matters, I said, the conditions necessary with regard to the admissibility are fulfilled on certain general matters and when I asked the Government, the Hon'ble Home Minister was pleaaed to observe or he submitted to the House that the matter was sub-judice. After that the members suggested that though the matter is sub-judice, it will not prevent a discussion of the matters covered by the resolution; at any rate not the entire matter that is covered by the resolution.

I heard all that was mentioned in respect of that and I promised to deliver the Ruling. Now, there are two Resolutions given notice of. Both are adjournment motions : One is by Sri S. M. Krishna, covering only one point, regarding the recent firing opened by the Police on the unarmed peaceful Kannada Demonstrators in Davangere and Harihar. The other is an adjournment motion by five members, Sriyuths S. Sivappa, S. Gopala Gowda, Siddaiah Kashimath, K. S. Suryanarayana Rao and K. Lakkappa. The motion given notice of by the five members runs as follows :—

> "That the Assembly do now adjourned to discuss a definite matter of urgent public importance to wit the situation arising out of the statewide agitation culminating in the Police firing at Harihar and Davangere recently resulting in five deaths as a consequence of the proposal of the Central Government to appoint a one-man Commission to settle the boundary issue between Mysore and Maharastra."

From this it is clear that the motion given notice of by Sri S. M. Krishna, only mentions "that this Assembly do now adjourn to discuss a definite matter of urgent public importance and recent occurrence to wit the recent firing opened by the police on the unarmed peaceful Kannada Demonstrators in Davangere and Harihar". That is the wording of the motion. A comparison of the two goes to show that the matter covered by the motion given notice of by the five Hon'ble members is more comprehensive and much wider, and the ambit of discussion and debate will be greater. In fact, I find that there are three components in this proposed motion : one is to consider the situation arising out of the statewide agitation, the other is that it culminated in the police firing at Harihar and Davangere recently resulting in five deaths, and the third is, consequence of the proposal of the Central Government to appoint a one-man Commission to settle the boundary issue between Mysore and Maharashtra. That is their idea. Now the point of sub-judice with regard to the situation that has arisen, can it be applied to the proposal by the Central Government to appoint a one-man Commission to settle the boundary issue between Mysore and Maharashtra, has to be considered. I am not aware of any proposal by the Central Government. I

cannot sit in judgement over that. I have only to decide the admissibility of the motion that is proposed and not beyond that. So, the common factor between the two is with regard to the incident of firing. If really the firing has happened and matters have gone to a Court of Law, our rules present its admission, because Rule 52 gives us the restrictions on the right to make a Motion. One of the restrictions is, not more than one of such Motions can be made though the members yesterday mentioned more than one. I do not, under the circumstances that were happening, want to raise this point.

The other is sub-rule (vii) which says that the matter shall not be under the enquiry in any Court of Law. The Hon'ble Minister for Home says that it is sub-judice. But, how far that is sub-judice will require perhaps a further scrutiny, unless the Hon'ble Minister for Home says that the whole matter is covered, because on a Ruling which was given by me on a prior occasion I have said, automatically it does not become precluded from a discussion, but limits are placed upon the discussion, and nothing that will go to interfere or influence the considerations of the Court can be discussed by the House. In other words, whether the matter is pending in any Court of Law or whether it is a simple matter like that unconnected which will not come up for consideration in arriving at a conclusion has to be considered. With regard to the guilt or otherwise of such of the authorities on the peripheri, as it has been mentioned in the prior ruling, may be permitted. In that light, I would like either now or later as to whether it is fully covering the entire incident that happened with regard to the firing and if it is possible, also I will try and see whether I can get a copy of the charge-sheet. With regard to the other matters, I don't think these matters are sub-judice and will prevent the discussion. But the question arises, where one motion has been proposed like that whether it can be taken up piece-meal, we may discuss that portion and the other portion may be held over. It is a matter for the concerned members to apply their minds and tell me what action they would like to take, particularly with regard to the situation, the statewide agitation that has arisen. I would not give the Ruling and take the time of the House today, because the motion is likely to cover the entire thing, and what impingement it will have, will have to be considered.

Then, with regard to the appointment of one-man Commission to settle the boundary issue between Mysore and Maharashtra, the question will therefore arise whether the members would like to drop this or suggest any alternative, or say a portion of it might be taken up, or leave it to me to exercise my power to say that I will admit it to the extent of the amended portion. I will try to see what is to be done in the interest of the fullest scope for the debate. That is the tentative Ruling I am giving for the present. I will deal with it again. How far it will be necessary to go into the matter, is also a matter for consideration which can be dealt with after the debate on this motion is over.

†ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ಅಧ್ಯಕ್ಷರೇ, ಮಾನ್ಯ ಕೃಷ್ಣಾ ಅವರು ಎತ್ತಿದ ಪ್ರಶ್ನೆಗೆ ತಾವು ನೇರವಾದ ಉತ್ತರವನ್ನು ಕೊಟ್ಟಿಲ್ಲ. ಈ ನಿಲುವಳಿ ಸೂಚನೆಗಳ ಭವಿಷ್ಯ ಏನು, ಅವುಗಳನ್ನು ಹೇಗೆ ನೋಡಬೇಕು, ಎನ್ನುವ ವಿಷಯದಲ್ಲಿ ಈಗ ತಾವು ಕೊಟ್ಟಿರತಕ್ಕ ಒಂದು ಹೇಳಿಕೆ ಏನಿದೆ ಅದನ್ನು ನಾನು ಪ್ರಶ್ನೆ ಮಾಡುವುದಿಲ್ಲ. ಈಗ ಈ ನಥೆಯ ಮುಂದಿರತಕ್ಕ ನಿಲುವಳಿ ಸೂಚನೆಯ ಮೇಲೆ ಚರ್ಚೆ ಮಾಡಿ ಆ ನಂತರ ಉಳಿದಿರುವ ನಿಲುವಳಿ ಸೂಚನೆಗಳಲ್ಲಿ ಅಡಕವಾಗಿರುವ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿ ಅವುಗಳನ್ನು ಈ ನಥೆಯ ಮುಂದಿಟ್ಟು ಅವುಗಳನ್ನು ಅಡ್ಮಿಟ್ ಮಾಡಿ ಕೊಳ್ಳಲೇ ಅಥವಾ ಬೇಡವೇ ಎನ್ನುವ ವಿಚಾರವನ್ನು ಹೇಳಬೇಕಾಗುತ್ತದೆ ಎಂದು ತಾವು ಹೇಳಿದಿರಿ. ನನಗೆ ತಿಳಿದಮಟ್ಟಿಗೆ ಈ ನಿಲುವಳಿ ಸೂಚನೆಗಳನ್ನು ಈ ರೀತಿ ಮಾಡುವುದರಿಂದ ಪ್ರಯೋಜನವಾಗುವುದಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ಅದೇ ವಿಚಾರ ಈಗ ಇಲ್ಲಿ ಚರ್ಚೆಯಾಗುತ್ತಿದೆ ಎನ್ನುವ ಕಾರಣದಿಂದ ಅದನ್ನು ಒಪ್ಪುವುದಿಲ್ಲ ಎಂದು ಹೇಳುವುದು ತಪ್ಪಾಗುವುದಿಲ್ಲ. I am keeping it open. If the hon'ble member does not want, he can ask me and I will give a final Ruling.

Sri S. M. KRISHNA.—Yesterday when the Home Minister made a submission to the House that certain cases have been filed, it was not difficult for the Home Minister to get hold of the copies of the charge-sheets that have been filed in the Courts in Davangere and Harihar. An Adjournment Motion ought to be necessary to deal with the urgency of the situation. I am sure, you appreciate the urgency of the motion. I personally feel that there was no need for you to get the guidance.....

Mr. SPEAKER.—The Hon'ble Member will kindly comply with my request so that I may make the position very clear. I really do not understand what the Member means by my seeking the guidance. The Member must remember that one of the conditions precedent is that it must not be a matter which is under adjudication by a Court. It is not a thing to be admitted and afterwards decided whether it should be allowed or not. Sub-rule (vii) of Rule 52 is a clear restriction.

Sri S. M. KRISHNA.—I made a categorical submission that it is not before any court of law in the State. That asspect of firing in Harihar and Davangere is not before any court of law.

Mr. SPEAKER.—There are two versions: one version is by the Government saying that it is so. The other is that it is not so. I have now to act upon both or one of them. This is not the first time that such a matter has arisen. Rulings have laid down that whenever such contradictory assertions are made, then statement made by the Government which is supposed to know the things accurately and up-to-date is to be perferred. Even that I have not done. I am trying to see how it should be done. But if the Members want to be guided by the previous rulings, I am prepared to say when I am called upon here and now to choose between the two, according to the decided rulings and precedents, I have to choose the version given by the Government and say that the matter is sub-judice. I cannot break up the motion.

Sri S. M. KRISHNA.—Is it possible now at least to get the copies of the charge-sheets filed there?

Mr. SPEAKER.—I have said that I am trying to get them.

Sri S. M. KRISHNA.—The burden of satisfying yourself that is sub-judice lies on you. The Minister should have been armed with necessary details about it.

Mr. SPEAKER.—I am prepared to hear it again if necessary after the tea break. Let the Members study. I have myself given rulings that when there are two conflicting versions, when facts are not agreed upon and whenever there is variation, the version given by the Government is to be accepted for the reason that they are supposed to know better and more accurately and up-to-date. If it is not correct, then there are other remedies when false representation is made and the House is misled.

Sri G. V. GOWDA.—If the Government oppose the motion, it is for them to prove that the matter is pending before the Court Opening of fire is not pending before any court. If it is so, we would certainly like to embarrass the Hon'ble Speaker. But that is not an issue before the Court, and it can never be an issue before the court.

Mr. SPEAKER.—When we are lawyers in a court, then the position is somewhat different. But here we have to oppose the motion by argument. I have to decide upon the admissibility and the rule which I have referred to in sub-clause (7) of Rule 52 says :

> " The motion shall not deal with any matter which is under adjudication by a Court of Law having jurisdiction in any part of India."

Rule 53 says :

> " No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority perfoming any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into or investigate any mattter shall ordinarily be permitted to be moved."

If it is said that the matter is *sub-judice*, I have to verify and find out. In point of fact it is not correct when it is asserted that it is *sub-judice*, I should not accept it because somebody else says that it is not *sub-judice*.

Sri G. V. GOWDA.—If the Home Minister says that the question of opening fire is an issue before the Court, then we would not like to embarrass the Hon'ble Speaker. But that is not before the Court. Possibly, it may be some prosecutions might have been launched against the so-called demonstrators for violating certain prohibitory orders.

Mr. SPEAKER.—These are all connected matters whether there is justification for firing or not, whether there is justification for holding of the demonstrations by the persons who participated, the limits of the action that was taken in self-defence and whether they have acceded the limit.

Sri G. V. GOWDA.—The demonstrators might have violated the prohibitory order. That is a different thing; they are liable to be prosecuted and that is a different aspect altogether. But the question is opening of fire. The mere fact that demonstrators violated certain prohibitory order does not mean that the Police should resort to firing. What is before the Court, is not exactly the issue that is sought to be raised here.

Mr. SPEAKER.—It is just like saying that I am entering the second room without passing through the first room when there is no other way to go to the second room. When you are prepared to argue, I have no objection.

Sri G. V. GOWDA.—If the demonstrators or the public has filed counter-case against police or Government that the opening of fire is excessive or unjustified, then the Hon'ble Speaker may hold that it is *sub judice*.

Mr. SPEAKER.—I am not prepared to become a presiding officer of any court.

† ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಥಾರ್ಜ್‌ಷೀಟ್ ತರಿಸಿ ನೋಡುತ್ತೇವೆ ಎಂದು ಹೇಳುತ್ತೀರಿ. ನನಗೆ ಚೆನ್ನಾಗಿ ಗೊತ್ತಿದೆ, ಅವರು ಥಾರ್ಜ್‌ಷೀಟ್ ಹಾಕಿರುವುದು ಅಲ್ಲಿ ನುಗ್ಗಿದರು, ಅಲ್ಲಿ ಬಂದಿದ್ದರು, ಇಲ್ಲಿ ಬಂದಿದ್ದರು, ಯಾರನ್ನೋ ಹಿಡಿದು ಹಾಕಿದ್ದೇವೆ ಎಂದು ಬರೆಯುತ್ತಾರೆ. ಆ ವಿಷಯಕ್ಕೆ ನಾವು ಹೋಗುತ್ತಾ ಇಲ್ಲ ಜನರು ನುಗ್ಗಿದರೋ ಇಲ್ಲವೋ ಎನ್ನುವ ವಿಷಯಕ್ಕೆ ಹೋಗುತ್ತಾ ಇಲ್ಲ. ನಾವು ವಿಚಾರ ಮಾಡುವುದು ಹರಿಹರ, ದಾವಣಗೆರೆಯಲ್ಲಿ ಸರಕಾರ ಗುಂಡು ಹಾರಿಸಿರುವುದರ ಔಚಿತ್ಯ. ತಾವು ಈ ಪ್ರಶ್ನೆ ನಿರ್ಧಾರ ಮಾಡುವ ಮುಂಚೆ ಒಂದು ವಿಷಯವನ್ನು ಗಮನಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ತಮಗೆ ರೂಲ್ 53ರಲ್ಲಿ ಡಿಸ್ಕ್ರಿಷನ್ ಕೊಟ್ಟಿದೆ. ಅಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ. "Provided that the Speaker may in his discretion allow such matter being raised in the Assembly."

ಅಧ್ಯಕ್ಷರು.—ರೂಲು 52ರಲ್ಲಿ 7ನೇ ಕ್ಲಾಸ್ ಓದಿ. ರೂಲು 53 ಡ್ರೆಬ್ಯುನಲ್ಲಿಗೆ ಸಂಬಂಧ ಪಟ್ಟದ್ದು.

Sri S. GOPALA GOWDA.—(vii) "the motion shall not deal with any matter which is under adjudication by a Court of Law having jurisdiction in any part of India;"

This particular matter which pertains to firing is not under adjudication. So, that point is very clear. ಅದರ ಬಗ್ಗೆ ತಮಗೆ ಅನುಮಾನ ಇದ್ದರೆ, ಅದನ್ನು ಸ್ಪಷ್ಟಪಡಿಸುವುದಕ್ಕೆ ಸಿದ್ಧನಿದ್ದೇನೆ. ಇತ್ತೀಚೆಗೆ ಯು.ಪಿ. ವಿಧಾನಸಭೆಯಲ್ಲಿ, ಗೋಲಬಾರಿನ ಬಗ್ಗೆ ಚರ್ಚೆ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಟ್ಟಿದ್ದನ್ನು ಓದಿದ್ದೇವೆ. ಇನ್ನೊಂದು ನಿದರ್ಶನವನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತಂದು ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ. ಬಸ್ತಾರ್‌ನಲ್ಲಿ ಫೈರಿಂಗ್ ಆದಾಗ ಪಾರ್ಲಮೆಂಟಿನ ಎರಡು ಸದನಗಳಲ್ಲೂ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಕೊಡುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಅಲ್ಲಿ ಮತ್ತೆ ಒಂದು ವಿಶೇಷ ನ್ಯಾಯಾಲಯವನ್ನು ಮಧ್ಯಪ್ರದೇಶ ಸರ್ಕಾರ ರಚನೆ ಮಾಡಿದ ಮೇಲೆ ಪಾರ್ಲಮೆಂಟಿನಲ್ಲಿ ಇದರ ಮೇಲೆ ಚರ್ಚೆ ನಡೆದಿದೆ. ಈ ಎರಡು ಅಂಶಗಳನ್ನೂ ತಾವು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಳ್ಳಬೇಕು. ನಮ್ಮ ಮೇಲ್ಮನೆಯಲ್ಲಿ ತಳ್ಳಿ ಹಾಕಿದ್ದಾರೆ ಎನ್ನುವ ಕಾರಣಕ್ಕಾಗಿ ಈ ವಿಷಯವನ್ನು ತಳ್ಳಿಹಾಕಬಾರದು. ನಿಲುವಳಿ ಸೂಚನೆಗೆ ಅದ್ಯತೆ ಕೊಡಬೇಕು.

ಇನ್ನೊಂದು ಮಾತು ಹೇಳುತ್ತೇನೆ. ಗಡಿ ಸಮಸ್ಯೆ ಬಗ್ಗೆ ವಿಚಾರ ಮಾಡುವ ವಿಶೇಷ ನಿರ್ಣಯ ನಾವು ಏನು ಕೊಟ್ಟಿದ್ದೇವೋ ಅದು ತುಂಬಾ ಅದ್ಯತೆ ಹೊಂದಿದೆ. ಜೊತೆಗೆ ನಮ್ಮ ರೂಲ್ಸ್ ಪ್ರಕಾರ ಈ ನಿರ್ಣಯಕ್ಕೆ ಅದ್ಯತೆ ಕೊಡಬೇಕೇ ಎಂಬುದನ್ನು ತೀರ್ಮಾನ ಮಾಡಿ ರೂಲಿಂಗ್ ಕೊಡುವುದು ಅವಶ್ಯಕವೆಂದು ನಾನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.